

REMARKS

Claim 1 is pending in the subject application.

Rejection Under 35 U.S.C. §112

In the April 26, 2007 Office Action, the Examiner rejected claim 1 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner alleged that the claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner further states that a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. The Examiner notes the explanation given by the Board of Patent Appeals and Interferences in *Ex Parte Wu* as to where broad language is followed by "such as" and then narrow language. The Examiner points out that the Board stated that this can render a claim indefinite by raising a question or doubt as to whether the

feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Also, the Examiner directs applicant to the decisions of *Ex Parte Steigewald*; *Ex parte Hall* and *Ex parte Hasche*. The Examiner alleges in the present instance, claim 1 at line 1 recites the broad recitation "having a magnetic field," and the claim also recites "more especially having a pulsating magnetic field" which is the narrower statement of the range limitation.

In response to the Examiner's rejection, applicant has amended claim 1 to remove the broad recitation "having a magnetic field" to particularly point out and distinctly claim the subject matter which applicant claims as the invention. In view of the applicant's amendment to claim, applicant respectfully requests the Examiner to remove this ground of rejection.

Rejection under 35 U.S.C. §102(b)

In the April 26, 2007 Office Action, the Examiner rejected claim 1 under 35 U.S.C. 102(b) as being anticipated by Ansari (U.S. Patent No. 3,805,777). The Examiner alleges that Ansari teaches an interuterine device comprising a ring embedded with magnets. Regarding claim 1, Ansari discloses a device in the form of a ring, also made of an inert, elastically deformable material.

Furthermore, the Examiner states that magnetic rings segments, or "magnetized balls," are introduced into the ring and are arranged in opposite alignment. Lastly, the Examiner states that the device is capable of being placed within the vagina or uterine cavity.

In response to the Examiner's rejection, applicant respectfully traverses on the grounds that U.S. Patent No. 3,805,777 to Ansari does not teach each and every limitation of applicant's invention.

First, Ansari does not teach a medical apparatus for the treatment of living beings which incorporates magnetic field therapy that allows for a pulsating magnetic field to exert an influence upon the body of the living being internally, rather than having the magnetic field traverse through the outer skin. Ansari specifically teaches a device solely for the use of conception prevention and wherein the device does not provide any therapeutic benefits to the individual user, as opposed to the instant invention.

Thus, where the instant invention is directed to providing relief to women for hypogastrium complaints, period pains and premenstrual syndromes and to men for prostate complaints and

erection malfunctions using magnetic field therapy, Ansari fails to provide these features and is so structurally differing as not to be disposed to provide such features.

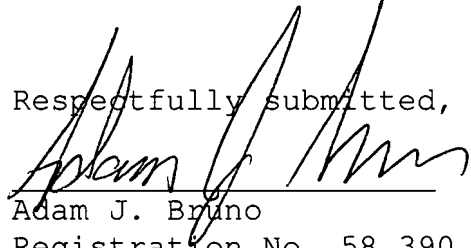
Additionally, while the instant invention utilizes a magnetic field under operating conditions, Ansari is only an intrauterine device that contains magnetic elements solely for the purpose of inserting and removing the device from the uterine cavity, in connection with a corresponding tool. Thus, again, whereas Ansari is designed to prevent problems commonly associated with such an interuterine device for conception prevention as infection, bleeding and discomfort by removing attached tails or strings that are commonly found in the device's prior art; the instant invention features magnetic elements specifically for the therapy of painful conditions, and these magnetic elements do NOT serve for insertion and removal, as in Ansari.

Therefore, the magnetic elements in Ansari function merely in conjunction with a tool for the removal and insertion of the interuterine device.

In view of the applicant's remarks and amendments to the claims, applicant respectfully requests the Examiner to remove this ground of rejection.

No fee is deemed necessary in connection with the filing of this Amendment. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account 12-0115.

Respectfully submitted,



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